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By: James P. Jones
Chief United States District Judge

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file suit within the ninety-day time period forfeits the right to pursue the claim. *See Baldwin County Welcome Ctr. v. Brown*, 466 U.S. 147, 149-50 (1984) (per curium). In the present case, the right-to-sue letter was mailed by the EEOC to the plaintiff on August 16, 2005, but the date of receipt is unknown. When the date of receipt of the EEOC right-to-sue letter is unknown or in dispute, the court may apply the three-day presumption derived from Federal Rule of Civil Procedure 6(e) to find that the letter was received three days after mailing. *See Griffin v. Prince William Hosp. Corp.*, 716 F. Supp. 919, 922 n.7 (E.D. Va. 1989); *see also Baldwin County Welcome Ctr.*, 466 U.S. at 148 n.1 (presuming claimant's EEOC right-to-sue letter was received three days after mailing, without explicitly adopting the rule).

The plaintiff filed her present suit on November 17, 2005, which was within ninety days of presumed receipt under the three-day rule. Accordingly, the suit was timely filed.

For these reasons, it is **ORDERED** that the Motion to Dismiss is DENIED.

ENTER: February 14, 2006

/s/ JAMES P. JONES
Chief United States District Judge